

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

PHILIP NGUYEN, EFREN MANILA, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

3M COMPANY, a Delaware Corporation;
and DOES 1 through 100, inclusive,

Defendants.

Case No: C 10-04064 SBA

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS'
MOTION FOR AN ORDER
SHORTENING TIME**

Docket 19

The parties are presently before the Court on Plaintiffs' motion for an order shortening time to have their motion to remand heard on December 7, 2010, along with Defendant's motion to transfer venue. Since the presence of subject matter jurisdiction is a threshold issue in every case, see Morongo Band of Mission Indians v. Cal. State Bd. of Equalization, 858 F.2d 1376, 1380 (9th Cir. 1988), the Court finds it appropriate to consider Plaintiffs' motion to remand prior to Defendant's motion to transfer. However, there is insufficient time for briefing on the motion to remand based on a December 7, 2010 hearing date. Accordingly,

IT IS HEREBY ORDERED THAT:

1. Plaintiffs' motion for an order shortening time (Dkt. 19) is GRANTED IN PART and DENIED IN PART.

2. Defendant shall file its opposition to Plaintiffs' motion to remand by no later than December 7, 2010. The opposition shall not exceed ten (10) pages.

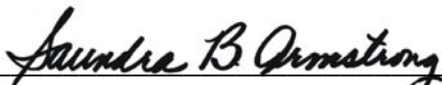
3. Plaintiffs shall file their reply in support of their motion to remand by no later than December 14, 2010. The reply shall not exceed five (5) pages.

1 4. The hearing on Plaintiffs' motion to remand shall take place on January 11,
2 2011 at 1:00 p.m. The Court may, in its discretion, resolve the motion without oral
3 argument. Fed.R.Civ.P. 78(b); Civ. L.R. 7-1(b). The parties are advised to check the
4 Court's website to determine whether an appearance on the motion is necessary.

5 5. The hearing on Defendant's motion to transfer scheduled for December 7,
6 2010 is VACATED. Said motion will be held in abeyance pending resolution of Plaintiffs'
7 motion to remand.

8 IT IS SO ORDERED.

9 Dated: November 24, 2010


SAUNDRA BROWN ARMSTRONG
United States District Judge